Supreme Court, U.S.
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(2)

Docket No. 95-1843

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER 1995 TERM

MICHAEL ROBINETT
Petitioner

v.

THE
FEDERAL GOVERNMENT OF THE UNITED STATES
Respondent

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FEDERAL CIRCUIT
IN 95-5023

SUPPLEMENTAL BRIEF

Plaintiff Pro-Se
Petitioner
Michael Robinett
1609 South Fairfield Drive
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31 pp

QUESTIONS PRESENTED FOR REVIEW

1. Are the plaintiff's claims for back wages, expenses, ordinary income losses and personal injury damages in the jurisdiction of the U.S. Court of Appeals for the Federal Circuit or are they properly in the jurisdiction of the U.S. Supreme Court? The claims are set out on pages 1-10 of the original complaint filed April 8, 1994 in 94-229T. The Order dismissing those claims for lack of jurisdiction was filed April 14, 1994.
2. Is the plaintiff's claim for payment of refund due of federal tax overpayment within the Claim Court's jurisdiction or is it within the Supreme Court's jurisdiction? Plaintiff provided the court with IRS documentation demonstrating an assessed tax liability of zero before filing suit.
3. Was the U.S. Court of Appeals correct in affirming the decision of the lower court in its August 10, 1995 Order in 95-5023 and is the complaint beyond the jurisdiction of the lower court in items 1 & 2 above?
4. Was the Appeals Court in conflict with the decision in Orlikow v. U.S. in regards to the application of the statute of limitations (682 F.Supp. 77 (D.D.C. 1988)) in its August 10, 1995 Order for dismissal and denial of rehearing?
5. Are claims concerning non-specified injections, exposure to radiation, electronic identification tagging, etc., outside the jurisdiction of the lower court and if so, which court does have jurisdiction, the Supreme Court? This also includes radiation exposures outside the specified time periods and geographical regions covered under 28CFR PART 79 where specified time periods end in 1962 and only certain geographical areas are specified.

PARTIES TO THE PROCEEDINGS

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CITED STATUTES & AUTHORITIES

Statutes:

The Constitution of the United States
Arcticle III
Amendment I
Amendment IV
Amendment V
Amendment VII
Amendment VIII
Amendment IX
Amendment XIII
Amendment XV
Amendment XXIV
The Internal Revenue Code
Section 999(a) & (b)
Section 1563(a)
Section 883(b)
Section 3231 (a), (b), (d), & (e)
Section 3121 (a) & (b), (2), (5), (6), (7), & (c)
Section 168 (h)(3), (4)(A)(i), (B) (i), (ii), (iii),
(iv), & (v)
Section 9012 (c)(1)(A)
Section 692 (c)(1)(A)
Section 193 (a), (b), (1) & (2)
Section 190 (a)(i)
Section 7422 (c) & (f)
Title 45, Code of Federal Regulations Part 46
Cal-OSHA IWCC Order 10-85
The Tucker Act: 28 U.S.C. 1491.4

CASES

Assassination Archives and Research Center, Inc.
Plaintiff, v. Central Intelligence Agency, Defendant
Civ. A. No. 88-2600 United States District Court,
District of Columbia, Sept. 11, 1989

Fitzgibbon v. Central Intelligence Agency,
Nos. 89-5213, 89-5214 United Statesl Court of
Appeals, District of Columbia Circuit, May 17, 1990,
August 14, 1990

Marks v. Central Intelligence Agency

Orlikow v. United States, Civ. A. No. 80-3163.
United States District Court, District of Columbia,
January 19, 1988

Stanley v. United States, 483, US 669 97 L Ed 2d 550
107 S Ct 3054 No 86-393 April 21, 1987.
June 25, 1987

United States v. Bechtel Corporation, Bechtel Incorporated,
Bechtel Power Corporation, Bechtel International, Inc.,
and Bechtel International Corporation, No. 79-4194
United States Court of Appeals. Ninth Circuit,
January 14, 1981, June 18, 1981

SUPPLEMENTAL BRIEF

No. 95-1843

The petitioner wishes first to take this opportunity to thank both the Supreme Court and the Solicitor General's Office for their consideration in reviewing the petition of a pro-se plaintiff.

The issues thus far considered by the lower Courts have been mainly those concerning court jurisdiction authorized by specific statute and and the proper application of the statute of limitations. The specific aspects of those issues being considered are enumerated in the questions presented for review.

Certainly a pro-se plaintiff's lack of knowledge of the complex technicalities of court procedures and rules can be a source of difficulty both for himself and the justices and defense counsels assigned to the case.

Also it seems that the issues involved in the case and the calculations supplied by the plaintiff, have resulted in consideration of and limitation to only the jurisdictional issues of the case.

There is indeed an inherent difficulty in coherently describing a situation or sequence of events which involves psychological depatterning or 'brainwashing', so perhaps previous criticisms of the plaintiff's submissions to the lower courts as being 'rambling' or 'farfetched' are not entirely without merit.

It would indeed take some time for a person subjected to a high-tech arsenal of psychological de-stabilizing techniques to first realize even dimly, what had happened, and then go about gathering some form of documentation and

perhaps even ultimately file some form of legal action.

In fact, for over three decades, official policy has been scrupulously designed to prevent such an event from ever occurring. According to author and former Central Intelligence Agency employee, John Marks, most such experiments and operations were designed so that any outside doctor would almost invariably misdiagnose a patient who had been subjected to such treatment.

Previously de-classified government documents such as #419, 03 OCT 1975 regarding the destruction of drug and toxin related files from project MKULTRA and document CH-3607 regarding the injection of the metal plutonium into human subjects are indicative of the general trend historically towards certain types of goverment experiments and operations. Understandably so, the most compelling arguments against de-classification of certain documents were for legal and 'national security' reasons. Another declassified document published in the Final Report of the Advisory Committee on Human Radiation Experiments, released October 1995, gives the earlier legal rationale against declassification of document CH-3607.

"The document [CH-3607] appears to be the most dangerous since it describes experiments performed on human subjects, including the actual injection of the metal plutonium into the body. The locations of these experiments are given and the results, even to the autopsy findings in the two cases. It is unlikely that these tests were made without the consent of the subjects, but no statement is made to that effect and the coldly scientific manner in which the results are tabulated and discussed would have a very poor effect on the public. Unless, of course, the legal aspects were covered by the necessary

documents, the experimenters and the employing agencies, including the U.S., have been laid open to a devastating lawsuit which would, through its attendant publicity, have far reaching results."

Legislative trends over the past decade or so concerning the statute of limitations have also been consistent with this policy in many regards. The general trend has been towards establishing no prosecutorial limit of the statute in regards to individuals, while at the same time decreasing the statute to two years or less where it concerns government liability.

Another issue of general concern is the technology itself, an issue which cuts across questions of only jurisdiction and also goes into areas which concern the veracity or credibility of the case itself, the merits of such a case, and evidence.

Generally speaking, there is 20 year time lag between development of new technologies and their publication in the press. Most of the government documents presented in the exhibits and the technologies involved are several decades old and have just recently been declassified.

They could be declassified only because the specific programs they covered are no longer operational.

Likewise, there is a time lag between research & development, operational applications, published accounts of new technologies, and enactment of specific statutues covering the wide range of possible applications.

There is also a 'trickle-down' effect regarding technological developments from R&D agencies like the Central Intelligence Agency to other government agencies. The composition, demographics, and 'human' profile of

various government agencies plays a part in how new technologies are applied. What was classified CIA technology twenty to thirty years ago is in all probability widely accessible to a multitude of government agencies today, all with different goals and budget resources.

Which leads to one of the last issues presented for consideration in this supplemental brief. This is the difference in magnitude between individual and governmental assests, resources, and revenues.

The numbers presented in the original complaint filed with the U.S. Court of Federal Claims are in a sense rhetorical. One doesn't really expect to 'get' anything in a case like this. Only faith in American constitutional government and its legal system could lead one to follow this path. If the structure of constitutional government is intact and working, one could file such a lawsuit. If it's not intact or working, it would be impossible to do so.

In another sense however, when faced with a governmental structure with assests of over 4.6 trillion dollars utilizing the technologies involved, it is not 'unreasonable' to calculate losses, expenses, etc. in the manner prescribed by existing federal and state statutes as the plaintiff has done.

Say for instance, that an agency had placed such electronics as contained in the exhibits on an individual for intelligence gathering purposes. If it was done in an unobtrusive manner, the individual and the surrounding population would be none the wiser, it would probably never be raised as an issue, and perhaps, legitimate 'national security' interests might have been served.

What if however, control of those same electronics was taken over by another political faction within the

government and utilized for political suppression, destabilization, brainwashing, torture, obstruction and even 'entertainment' or 'bread and circuses'. Then other legal issues must be considered and that is one of the main questions raised implicitly here.

In conclusion, the plaintiff requests the Court to grant the petition for writ of certiorari so that ultimately, issues beyond that of jurisdiction itself may be properly addressed.

Respectfully submitted,

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EXHIBIT - 1

PHOTO - MICROCHIP ID IMPLANT

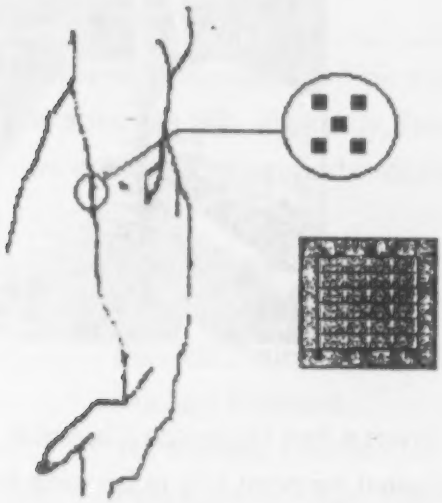
From a San Francisco Chronicle Article, circa 1984. Their original purpose was in locating lost pets, but their use on humans is a clear violation of Constitutional Law.

The chips are encased in glass and are as small as a grain of rice. They were designed to be injected with a needle near an animal's shoulder blades. The chips contain digitized files that correspond to local and international files containing any information input into the computerized system. The scanner system is similar to that at the supermarket checkout stand and most so-called 'smart buildings' have similar systems to scan anyone coming in or out of the building.

While their use to locate lost pets is perhaps commendable, their use on humans signals the development of a computerized Orwellian 'police state'.

EXHIBIT - 2

DIAGRAM OF IMPLANT SITE

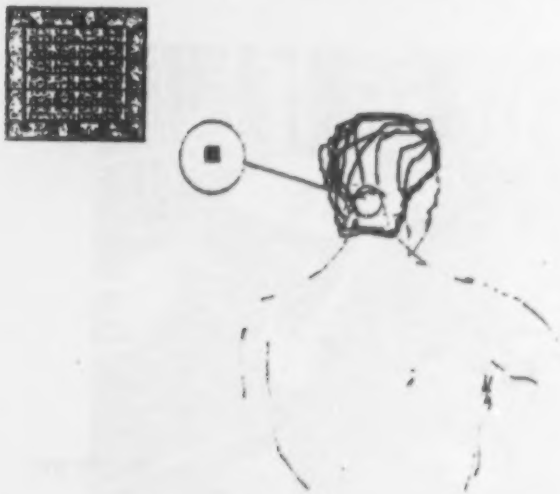


Navigable, implanted microprocessors.
Berkeley, California
January 1983

While the idea of active electronic sensors for medical and scientific monitoring is perhaps a good one, the use of implanted microelectronic sensors on humans without consent is in clear violation of constitutional law yet not covered by specific statute. Active electronic sensors due much more than just monitoring and can be used to affect both the voluntary and involuntary muscle systems. Their use ranges from torture and political re-education to labor violations covered by the 13th Amendment.

EXHIBIT - 3

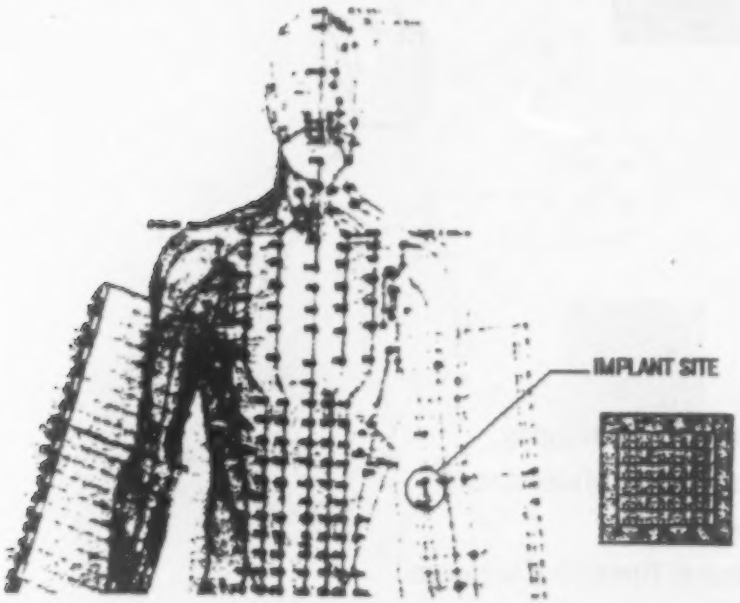
MICRO-ELECTRONIC IMPLANT SITE



Limbic brain tagging,
Cambridge, Massachusetts
August 1980
General Election Campaign

EXHIBIT - 4

ACUPUNCTURE CHART SHOWING IMPLANT SITE



Microelectronic acupuncture utilizes the same general principles as the tradtional form but it can be effected from remote locations via wireless transmission using computers.

The implant site shown above is at a location affecting certain involuntary muscle systems such as the heart, etc.

EXHIBIT - 5

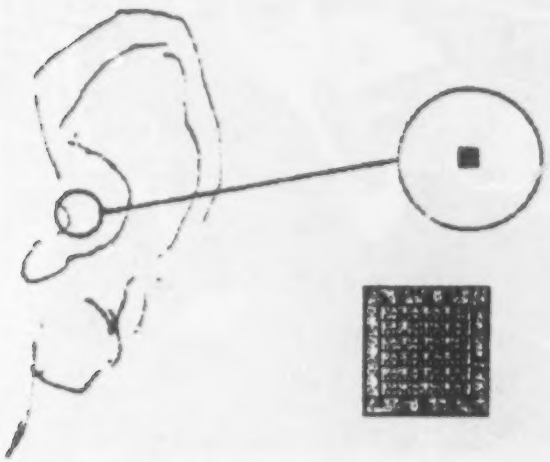
SCANNING AN ANIMAL FOR AN IMPLANTED ID TAG

An example of scanning for an implanted microelectronic id tag using a hand held scanner. Similar systems also incorporate the use of so-called 'invisible fencing' as containment devices for pets and other animals.

'Smart building' technologies can accomplish the same thing when used in conjunction with implanted id tags in human populations.

EXHIBIT - 6

MICROELECTRONIC EAR IMPLANT



Developed to cure hearing defects, such micro-electronic implants also have a surveillance use with obvious advantages. They also have a brainwashing use and are consistent with earlier research studies using pulsed microwave audiograms and studies involving guided animal research.

EXHIBIT - 7

ARBORIZATION COLUMN WITH ELECTRODE

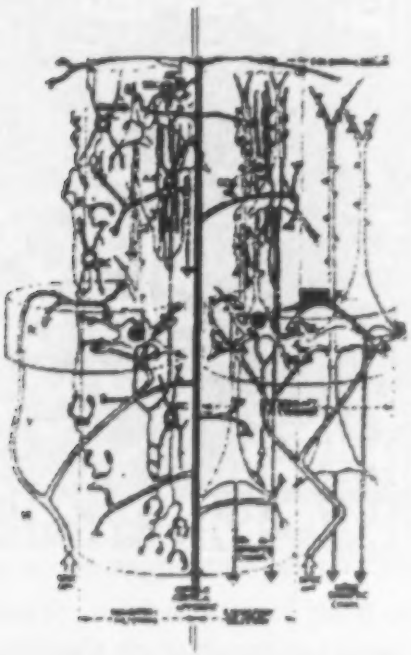
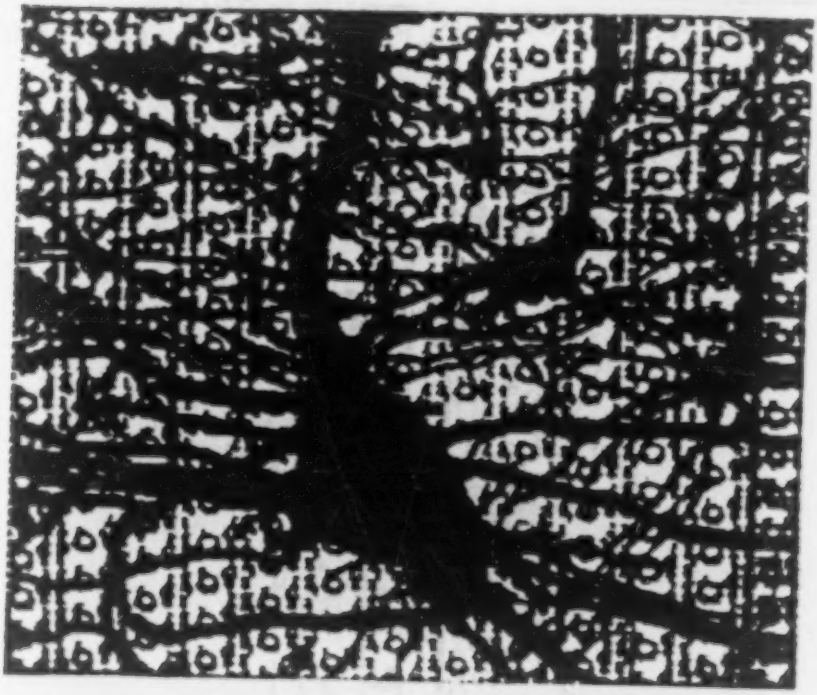


Diagram shows inhibitory and excitatory pathways in the structure of the human brain with a typical 'hot wire' implant. Here the term is used in the literal sense of the word.

EXHIBIT - 8

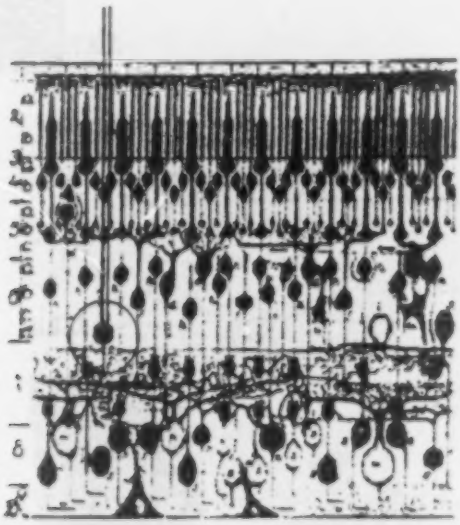
MICROCHIP SUPERIMPOSED ON A BRAIN NEURON



Drawing from a research study showing the scale and relative structures of human brain cells and micro-electronic devices.

EXHIBIT - 9

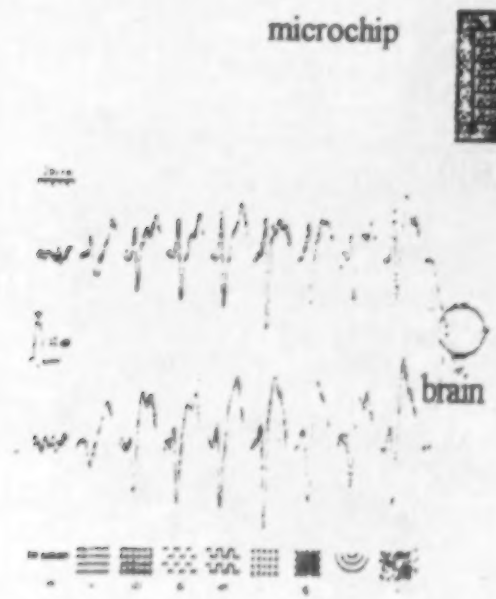
TYPICAL ARRAY OF NEURONS WITH ELECTRODE



Tapping into a single brain cell no longer poses a technical problem for modern science but it does create legal problems that are not covered currently by specific statute when implantation is without informed consent and applications can range from interrogation and torture to coerced labor. While the Constitution is clear on such issues, the application of specific statutes to specific technical applications often lags two to three decades behind the technological developments themselves.

EXHIBIT - 10

BRAIN WAVES AND COMMUNICATION



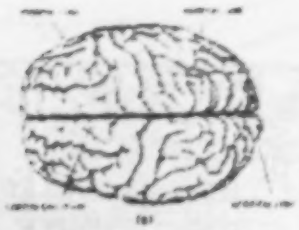
Research studies conducted several decades ago utilized pulsed microwave audiograms in sending transmissions to the human brain outside the normal range of human hearing. These early studies were primarily cold war brainwashing studies designed to keep up with developments in other countries. The Pensacola Naval Aerospace Medical Research Institute was one of the facilities involved in such research although this was decades ago and even the published technology of today is far advanced from those early studies and readily available commercially.

BEST AVAIL

EXHIBIT - 11

THE HUMAN BRAIN AND ITS STRUCTURE

brain



microchip

ABLE COPY

EXHIBIT - 12

MICROCHIP

EXHIBIT - 13

DIAGRAM SHOWING ARRAY OF CELLS IN BRAIN

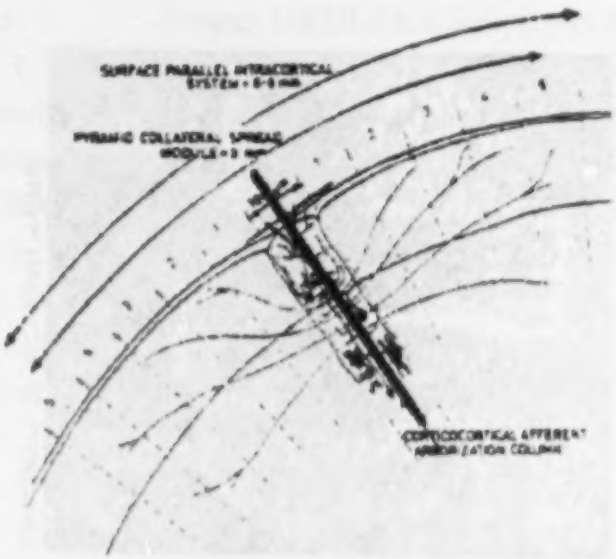
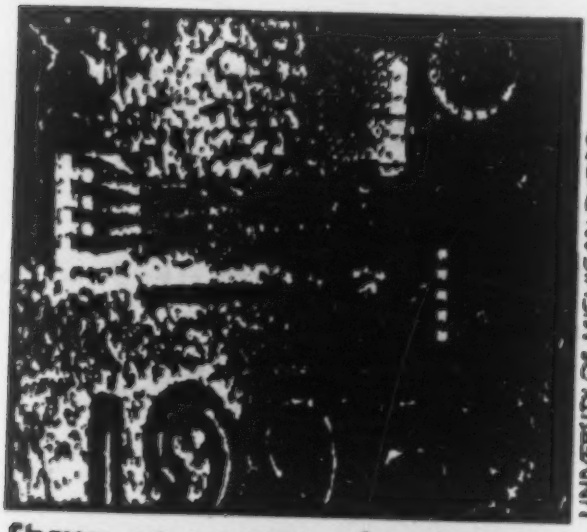


Diagram showing an arborization column of the human brain and its inhibitory and excitatory pathways with an implanted electrode. Platinum electrodes from the early 1980's were thinner than a human hair and today's versions are smaller still. Popular culture utilizes the term 'antenna head' and in conjunction with both surface and satellite transmission systems the Orwellian implications of such a simple device are obvious and outside the areas covered by specific statutes, yet still clearly covered by the Constitution.

EXHIBIT - 14

Photo from an article on hot-wiring the human brain.



Shown on a penny, microelectrodes can tap into single nerve cells.

"Machined from silicon and laced with circuitry...the probes will be distributed to neuroscientists free of charge."

Applications range from implants to alter deafness or hearing and control of muscle paralysis and muscle action. From a July 1995 article.

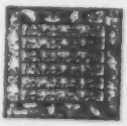


EXHIBIT - 15

GOVERNMENT DOCUMENT #ABIII, 2/18, 2-10-54
142-14, Released Dec. 1994

Memorandum For: The Record

Subject: Project MKULTRA, Subproject No. 142

1. The purpose of this subproject is to provide funds to support a small biological program of electrical brain stimulation involving some new approaches to the subject by XXXXXXX. ...

2. ...Some of the uses proposed for these particular animals would involve possible delivery systems for BW/CW agents or for direct executive action type operations as distguinshed from the eavesdropping applications of XXXX....

XXXXXXXXXX

Chief, TSD/Research Division

EXHIBIT - 16

GOVERNMENT DOCUMENT #ABIII, 142-14
Released Dec. 1994

PROPOSAL

It is proposed to carry out certain biological studies involving electrical stimulation of cold- blooded animals. In addition to the various theoretical reasons for such studies, it appears that certain practical guidance systems inolving more detailed behavioral control of both positive and negative sorts may be possible than are presently attainable in the warm-blooded animals being investigated. It is also possible that these simpler systems can accomplish the same operational goals with far less critical demands on the electronic parts of the guidance and control system.

The work to be done will consist of literature search, experimental placement of electrodes, observation of effects of stimulation and collation of information regarding the behavioral effects of stimulation in the various well defined areas. Biologically stable preparations with defined stimulation properties will result from this work.

EXHIBIT - 17

GOVERNMENT DOCUMENT #419 10-3-75

Released Dec. 1994

MEMORANDUM FOR: Inspector General

SUBJECT: Destruction of Drug and Toxin Related Files

1. On your instructions, I have investigated the destruction of Agency records related to drugs and toxins. ...This investigation was limited to avoid interfering in any way with other ongoing investigations of this matter, including that of the FBI.

EXHIBIT - 18

GOVERNMENT DOCUMENT -UNNUMBERED, 5-5-55
MKULTRA SUBPROJECT 128-1, Released Dec. 1994

Purpose:	To test a method of rapid hypnotic induction in simulated and real operational settings.
Initiated:	October 1960
Contractor:	XXXXXXX
Cost:	$9000.00.
Status:	Testing completed. Written report being completed.

EXHIBIT - 19

GOVERNMENT DOCUMENT, UNNUMBERED, 5-5-55, MKULTRA SUBPROJECT 49-28, Released Dec. 1994

PROPOSAL FOR RESEARCH IN HYPNOSIS AT THE XXXXXXX. ...

Variations in techniques of induction:

In order to determine the extent and effectiveness of various other factors, such as non-verbal, visual and auditory, in the induction of hypnosis, the following experiments are proposed:

1. Auditory techniques...: ...
2. Non-verbal and/or visual techniques: ...
3. Visual stimulation: ...

Other fields of investigation:

1. Auto hypnosis...
2. Effectiveness of hypnotists...
3. Duration and durability of hypnotic block.

EXHIBIT - 20

GOVERNMENT DOCUMENT ,

MKULTRA SUBPROJECT 106-1, 5-22-62

Released Dec. 1994

Proposal

It is proposed to continue research on problems critical to a clarification of the fundamental aspects of the stimulus response relationship in biological systems. Studies will be conducted using chronicanimal preparations with permanent septal electrodes. Investigations will be conducted utilizing chronic electrode preparations coupled with selected classical types of conditioning. Studies will be conducted on the geography of the brain in selected species of animals to determine the locus in which stimulations will produce specific reactions.

A careful literature survey, especially of the Russian literature, of foreign research in this area will be conducted.

EXHIBIT - 21

TEXT OF ARTICLE,

Computers & Software

Future Watch

The Body Binary

Within the next ten years, we'll have minature computers inside us to monitor and perhaps even control our blood pressure, heart rate, and cholesterol. Within 20 years, such computers will correct visual and hearing signals, making glasses and hearing aids obsolete.

At least that's how Bertrand Cambou sees it. As director of technology for Motorola's Semiconductor Products in Phoenix, Cambou has been a part of the miniaturization of microprocessors and the development of wireless communication technologies. Both would have central roles in putting computers inside the human body.

It is now possible, notes Cambou, to put the sensors, processors, and wire-less radio frequency (RF) devices for an internal computer on to a single, tiny chip. The RF signalling would permit accurate readouts of vital statisitics without attaching anything to-or drawing anything from the body. Even more amazing, interal computers might enable the deaf to hear and the blind to see. A chip implanted on the optic nerve, for example, could correct defective images or simply transmit entire images to the nerve.

- The notion of putting computers inside the body may be more realistic than it sounds. "We are not aware of any current obstacles to the encapsualtion and implanting of electronic devices within the body, and the transmission characteristics [of radio frequencies] through the body are well known," says Cambou.-Philip L. Harrison